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July 13, 2018

VIA ECF

United States District Court
Southern District of New York
40 Foley Square, Room 705
New York, NY 10007

Re: *Bytemark, Inc. v. Xerox Corp. et al.*, 1:17-cv-01803-PGG

Dear Judge Gardephe:

We represent the Plaintiff in the above referenced matter. Plaintiff writes this letter to respectfully provide the Court with an update in connection with Defendants Xerox Corp, ACS Transport Solutions, Inc, Xerox Transport Solutions Inc., Conduent Inc., and New Jersey Transit Corp.'s petitions for Covered Business Method Review (CBM) of U.S. Pat. Nos. 8,494,967 and 9,239,993, which Defendants notified the Court of on January 26, 2018 (Dkt. Nos. 59 and 60).

On July 12, 2018 the Patent Trial and Appeal Board denied in their entirety Defendants' petitions for CBM of both patents asserted in the instant case (CBM2018-00011, Paper 12 and CBM2018-00018, Paper 11). There are currently no pending AIA petitions or proceedings (CBM or IPR) relating to the validity of the '993 patent.

Plaintiff asserts ten causes of action against Defendants in this case. *See* Dkt. No. 37. The only pending AIA petition (*inter partes* review of the '993 patent) relates to one of the causes of action Plaintiff asserts (Count Two). The remaining nine causes of action are not encumbered by any pending petitions or proceedings.¹

Respectfully submitted,

/s/ Dariush Keyhani

Dariush Keyhani

cc: Defendants' counsel of record via ECF

¹ The Patent Trial and Appeal Board will hold a hearing relating to Defendant's petition for *inter partes* review of the '967 patent on August 22, 2018.

